

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

MARVEL CHARACTERS, INC.,

Plaintiff,

v.

LAWRENCE D. LIEBER,

Defendant.

LAWRENCE D. LIEBER,

Counterclaimant,

v.

MARVEL CHARACTERS, INC., and DOES
1-10, inclusive,

Counterclaim-Defendants.

MARVEL CHARACTERS, INC.,

Plaintiff,

v.

PATRICK S. DITKO, in his capacity as
Administrator of the Estate of Stephen J.
Ditko,

Defendant.

PATRICK S. DITKO, in his capacity as
Administrator of the Estate of Stephen J.
Ditko,

Counterclaimant,

v.

MARVEL CHARACTERS, INC. and DOES
1-10, inclusive,

Counterclaim-Defendants.

Case No.: 1:21-cv-7955-LAK
and consolidated cases
21-cv-7957-LAK and 21-cv-7959-
LAK

**JOINT STIPULATION AND
[PROPOSED] ORDER
REGARDING DEPOSITION
NOTICES AND DEPOSITION
TESTIMONY**

MARVEL CHARACTERS, INC.,

Plaintiff,

v.

KEITH A. DETTWILER, in his capacity as
Executor of the Estate of Donald L. Heck,

Defendant.

KEITH A. DETTWILER, in his capacity as
Executor of the Estate of Donald L. Heck

Counterclaimant,

v.

MARVEL CHARACTERS, INC. and DOES
1-10, inclusive,

Counterclaim-Defendants.

STIPULATION

Plaintiff and Counterclaim-Defendant Marvel Characters, Inc. and Defendants and Counterclaimants Lawrence D. Lieber, Patrick S. Ditko, and Keith A. Dettwiler (collectively, the “Parties”) stipulate as follows:

WHEREAS, five parallel actions are currently pending in this Court and the United States District Courts for the Eastern District of New York and the Central District of California: *Marvel Characters, Inc. v. Lieber*, No. 1:21-cv-07955-LAK (S.D.N.Y.); *Marvel Characters, Inc. v. Ditko*, No. 1:21-cv-07957-LAK (S.D.N.Y.); *Marvel Characters, Inc. v. Dettwiler*, No. 1:21-cv-07959-LAK (S.D.N.Y.)¹; *Marvel Characters, Inc. v. Solo*, No. 1:21-cv-05316-DG-TAM (E.D.N.Y.); and *Marvel Characters, Inc. v. Hart-Rico*, No. 2:21-cv-07624-DMG-KES (C.D. Cal.) (collectively, the “Pending Actions”).

¹ On March 25, 2022, the Court consolidated the three cases in this jurisdiction for all pretrial purposes. See Order (ECF No. 38), *Marvel Characters, Inc. v. Lieber*, No. 1:21-cv-07955-LAK (S.D.N.Y.); Order (ECF No. 30), *Marvel Characters, Inc. v. Ditko*, No. 1:21-cv-07957-LAK (S.D.N.Y.); Order (ECF No. 36), *Marvel Characters, Inc. v. Dettwiler*, No. 1:21-cv-07959-LAK (S.D.N.Y.).

WHEREAS, the Parties previously stipulated (ECF Nos. 39, 31, and 37, respectively), and this Court so ordered (ECF Nos. 40, 32, and 38, respectively), that any third-party subpoenas and related notices of subpoena served in any of the Pending Actions, as well as the fruits thereof, be deemed served, produced, and/or provided in all the Pending Actions.

WHEREAS, the Parties expect party and non-party witnesses alike to have information relevant to the Pending Actions.

WHEREAS, the Parties agree that discovery in the Pending Actions should be conducted in an efficient manner, so as to reduce the burden to the Parties and all witnesses whose testimony may be solicited.

Based on the foregoing, **IT IS HEREBY STIPULATED** by and between the Parties, through their respective counsel of record, subject to the Court's approval, that:

1. Any notice of deposition served in any of the Pending Actions shall be deemed served in each of the Pending Actions.
2. All testimony provided in any of the Pending Actions in connection with any such deposition shall likewise be deemed provided in each of the Pending Actions.

Dated: October 14, 2022

O'MELVENY & MYERS LLP

By: /s/ Daniel M. Petrocelli
Daniel M. Petrocelli

Daniel M. Petrocelli*
dpetrocelli@omm.com
Molly M. Lens
mlens@omm.com
Matthew Kaiser*
mkaiser@omm.com
1999 Avenue of the Stars, 8th Floor
Los Angeles, California 90067
Telephone: (310) 553-6700
Facsimile: (310) 246-6779

Allen Burton
aburton@omm.com
Danielle Feuer*
dfeuer@omm.com
Times Square Tower
7 Times Square
New York, NY 10036
Telephone: (212) 326-2000
Facsimile: (212) 326-2061

Kendall Turner*
kendallturner@omm.com
1625 I Street NW
Washington, DC 20006
Telephone: (202) 383-5300
Facsimile: (202) 383-5414

* Admitted pro hac vice

Attorneys for Marvel Characters, Inc.

Dated: October 14, 2022

TOBEROFF & ASSOCIATES, P.C.

By: /s/ Marc Toberoff
Marc Toberoff

Marc Toberoff
mtoberoff@toberoffandassociates.com
23823 Malibu Road, Suite 50-363
Malibu, CA 90265
Telephone: (310) 246-3333
Facsimile: (310) 246-3101

*Attorneys for Lawrence D. Lieber, Patrick S.
Ditko, and Keith A. Dettwiler*

SO ORDERED:

Hon. Lewis A. Kaplan
United States District Judge

DATE: _____